



Atty. Dkt. No. 053466-0296

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tadimitsu KISHIMOTO, et al.

Title: CHRONIC RHEUMATOID  
ARTHRITIS THERAPY  
CONTAINING IL-6  
ANTAGONIST AS EFFECTIVE  
COMPONENT

Appl. No.: 09/756,125

Filing Date: 1/09/2001

Examiner: G. Ewoldt

Art Unit: 1644

**REPLY TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a reply in the above-identified application.

Also enclosed are:

- ☒ Declaration Regarding Amendatory Material (2 pgs.)
- ☒ Translator's Declaration (1 pg.)
- ☒ Translation of WO 92/19759 (149 pgs.) and Figures 1-24 (24 pgs.)
- ☐ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	7	-	20	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	3	=	0	x	\$200.00	=	\$0.00

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First presentation of any Multiple Dependent Claims: + \$360.00 = \$0.00

CLAIMS FEE TOTAL = \$0.00

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- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

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- ☐ Please charge Deposit Account No. 19-0741 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$0.00 is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

02/03/05

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5569

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By *Stephen B. Maebius* # 55,638  
for

Stephen B. Maebius

Attorney for Applicant

Registration No. 35,264



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tadamitsu KISHIMOTO, et al.  
Title: CHRONIC RHEUMATOID ARTHRITIS  
THERAPY CONTAINING IL-6 ANTAGONIST AS  
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REPLY UNDER 37 C.F.R. § 1.111

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the non-final Office Action mailed November 3, 2004, concerning the captioned patent application.

The Office alleged that Applicant's June 13, 2003 amendment of the specification was improper, and requested (a) a declaration stating that the amendatory material is the same material incorporated by reference in the specification, and (b) a certified translation of the document incorporated by reference (WO 92/19759). Without acquiescing to the propriety of this request, Applicants herewith submit the requested documents:

1. Declaration Regarding Amendatory Material. This declaration affirms that the amendatory material, a description of reshaped antibody hPM-1, previously was incorporated into the specification by reference to WO 92/19759.

2. English Translation of WO 92/19759. This document is a true and correct translation of WO 92/19759.
3. Translator's Declaration. This declaration affirms that the English translation of WO 92/19759 is true and correct, and was performed by a competent translator.

The submission of these documents overcomes the Examiner's outstanding "new matter" objection to the specification and "written description" rejection of claims 9, 11-14 and 16-17. Accordingly, Applicants respectfully request withdrawal of the objection and rejection.

The application is in condition for allowance, and favorable reconsideration of it is respectfully requested. If the Examiner believes that an interview would further advance prosecution, he is invited to contact the undersigned attorney by telephone.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§ 1.136 and authorizes payment of any extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 02/03/05

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By *Todd Spaldy* #55,638

*for*  
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